

Letter from Markey to CPSC regarding amusement park rides

September 2, 1999

Ann Brown
Chairperson
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairperson Brown:

In the past two weeks, an unusual number of tragedies on amusement park rides has raised concerns about whether these rides are safe. Notice to patrons of the assumed risks of these rides does not normally include the warning "THE THRILL YOU ARE ABOUT TO RECEIVE MAY BE FATAL." Yet, four tragic deaths this August in three different states highlight the real dangers surrounding the design, maintenance and operation of these rides, some of which push the limits of physical tolerance for those who are in peak condition and yet invite the patronage of a much broader spectrum of the public.

The Consumer Product Safety Act charges the Consumer Product Safety Commission (CPSC) with the responsibility to protect the public against unreasonable risks of injuries and deaths associated with consumer products. Therefore, I am seeking from you some guidance concerning the regulatory environment within which these rides operate and your insights regarding the nature of the risks presented by amusement park rides, how these risks have changed over time, and the adequacy of the regulation of these risks.

Some of the injuries and fatal accidents that have occurred most recently help focus attention on this matter:

- On August 22, a 12-year-old boy fell to his death after slipping through a harness on the Drop Zone ride at Paramount's Great America Theme Park in Santa Clara, California;
- On August 23, a piece of wood came loose from the track of a Knotts Berry Farm roller coaster ride in Buena Vista, California, injuring five people;
- On August 23, a 20-year-old man died on the Shockwave roller coaster at Paramount King's Dominion theme park near Richmond, Virginia;
- On August 28, a 39-year-old woman and her 8-year-old daughter were killed when their car slid backward down a 30-foot ascent and crashed into another car, injuring two others on the Wild Wonder roller coaster at Gillian's Wonderland Pier in Ocean City, New Jersey.

These deaths and injuries come on the heels of an overview of the problem that appeared in the Wall Street Journal (July 23, *Weekend Journal*, "How Safe Is That Theme Park?", p W1.) The author, Lisa Gubernick, reviewed injury reports from nine major theme parks and concluded that the rides may be riskier than many people think. Amusement park injuries appear to be rising, reflecting the effects of designs that test the limits of human tolerance of forces that are many times the force of gravity, and the increase in the average age the typical rider.

I would appreciate your assessment of the state of regulatory oversight of these rides by answering the following questions:

1. To what extent does the CPSC have jurisdiction over the safety regulation of amusement park rides? Please provide citations and relevant statutory and report language.
2. Was CPSC jurisdiction curtailed in 1981 barring the agency from regulating fixed-location amusement park rides such as roller coasters? Please provide citations and relevant statutory and report language.
3. Are there any states which do not regulate amusement park rides at the state level? Does this mean that in some states there is no safety regulation of fixed location rides at all? Please provide, if possible, a state-by-state summary of safety regulatory authority of amusement park rides.
4. The WSJ article included a table showing how much higher and faster some of the new coasters are than the ones they replaced and notes that these new structures "rise to heights and go through contortions - corkscrew-shaped loops, boomerang turns and 'camelback' bumps" - that would have been unthinkable 20 years ago." This suggests that even the routine operation of some coasters may nevertheless be unsafe, even for healthy people, because of the design. I am concerned that engineering reviews of the stress placed on cars and track systems may not include a close look at the stress placed on hearts, necks, spinal cords and neuromuscular and circulatory systems. Who is responsible for judging the health effects of proposed design features?
5. Are there G-force limits imposed on the design of amusement park rides? At what thresholds do these G-forces begin to trigger adverse health effects, such as death or of serious injuries, strokes, neurological damage, or other serious adverse health impacts, either within the context of amusement park rides, or in other relevant contexts?
6. Please provide by year and ride category statistics for serious injuries or deaths occurring on amusement park rides over the last 5 years. If possible, separate out the statistics on old rides from the statistics on new rides. In your judgment, do these statistics indicate any increase in the frequency or severity of amusement ride injuries over time? Please explain.
7. What percentage of these serious injuries or deaths are deemed to be the result of "patron error"?
8. How reliable is the statistical information currently available on this subject? Is any segment of the industry required to report injuries or deaths to any regulatory or public health official? Is this reported by company, or by individual park, or by individual ride? Is the industry required to keep logs regarding mishaps by park or by individual ride? Is the industry currently required to comply with any standard health or accident reporting regime? How could this be improved?
9. As the head of the expert consumer safety agency in the federal government, do you believe that the current regulatory structure is sufficient to protect the public against unreasonable risks of injuries or deaths caused by amusement park rides, particularly fixed-location rides? Please explain.
10. If Congress were to provide CPSC authority to regulate safety over fixed-location rides, what additional resources would be needed for the CPSC to be able to protect the public against unreasonable risks of injuries or deaths from amusement park rides?

I would appreciate receiving an initial response to this request by September 15, 1999. Please contact me or Mr. David Moulton (202-225-2836) of my staff if you have further questions about this request. Thank you.

Sincerely,

Edward J. Markey
Member of Congress